

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>THOMAS RIVERA,</b>	)	<b>Case No.</b>
	)	
	)	<b>Judge</b>
<b>Plaintiff,</b>	)	
	)	<b>Magistrate Judge</b>
<b>v.</b>	)	
	)	
<b>P.O. MCDERMOTT #6435</b>	)	
<b>P.O. STRAZZANTE #8496</b>	)	
<b>P.O. NELLI #711</b>	)	
<b>DET. CLINTON #20699</b>	)	
<b>P.O. COSTELLO #231</b>	)	
<b>DET. MENDEZ #20031,</b>	)	
<b>Individually, and The City of Chicago</b>	)	
<b>A Municipal Corporation,</b>	)	<b>JURY DEMAND</b>
	)	
<b>Defendants.</b>	)	

**COMPLAINT AT LAW**

NOW COMES the Plaintiff, THOMAS RIVERA, by and through his attorneys, The Law Office of C.N. Norris, LLC, and complaining against the Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, Individually, and the CITY OF CHICAGO, a Municipal Corporation, as follows:

**FACTS**

1. This action is brought pursuant to the laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress deprivations of the Civil Rights of the Plaintiff, THOMAS RIVERA, accomplished by acts and/or omissions of the Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, committed under color of law.

2. Jurisdiction is based on Title 28 U.S.C. §1343 and §1331 and supplemental jurisdiction of the State of Illinois.

3. The Plaintiff, THOMAS RIVERA, was at all relevant times a United States Citizen and resident of the State of Illinois.

4. At all relevant times the Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, were duly appointed Chicago Police Officers acting within the scope of their employment and under color of law.

5. The CITY OF CHICAGO is a statutory municipal corporation and the employer of the Defendants.

6. The Plaintiff, THOMAS RIVERA, was on electronic monitoring with a curfew, which causes a violation if a participant is not near their receiver box, on January 20, 2019.

7. The Plaintiff, THOMAS RIVERA, was in compliance with his electronic monitoring requirements, which requires him to be at his home at or near 5734 N. Garden Ave., Roselle, IL 60172 on January 20, 2021.

8. On or about January 20, 2019, a shooting and attempted murder occurred at or near 6727 S. Honore St., Chicago, IL 60636.

9. On or about January 29, 2019, the Defendants arrested the Plaintiff, THOMAS RIVERA, at or near 121 E. North Ave., Carol Stream, IL 60188 for the above- referenced attempted murder.

10. The Plaintiff, THOMAS RIVERA, was brought to a police station where he was

interrogated by Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031.

11. At the time of the interrogation of Plaintiff, THOMAS RIVERA, by Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, he was wearing an electronic monitoring device on his ankle.

12. During this interrogation, Plaintiff, THOMAS RIVERA, told the Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, that he did not commit this crime, that he was not at the scene of the crime, and that the officers could verify his location at the time of the shooting via electronic monitoring.

13. Despite this information, Plaintiff, THOMAS RIVERA, was unlawfully charged with attempted murder.

14. Plaintiff, THOMAS RIVERA, was unlawfully detained from January 29, 2019 until June 11, 2021.

15. On June 11, 2021, the charges against Plaintiff, THOMAS RIVERA, were dismissed in a manner indicative of his innocence.

**COUNT I – 42 U.S.C. § 1983 UNLAWFUL PRETRIAL DETENTION**  
**(Against Defendant Officers McDermott #6435, Strazzante #8496, Nelli #711, Clinton #20699, Costello #231, and Mendez #2003)**

1-15. The Plaintiff, THOMAS RIVERA, hereby re-alleges his allegations of paragraphs 1-25 as though fully set forth herein.

16. Subsequent to Plaintiff's arrest, Defendants, P.O. MCDERMOTT #6435, P.O.

STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, caused Plaintiff to be detained without probable cause from January 29, 2019 until June 11, 2021.

17. Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, knew that the charges recommended to the States Attorney's Office for approval were false.

18. Due to the false allegations of Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, the false criminal charges against the Plaintiff were approved.

19. Detention without probable cause violates the Fourth Amendment (as applied to the states by the Fourteenth Amendment). *Manuel v. Joliet*, 137 S. Ct. 911 (2017).

20. As outlined above, Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, caused Plaintiff to be detained without probable cause from January 29, 2019 until June 11, 2019 in violation of Plaintiff's Fourth Amendment and Fourteenth Amendment rights.

21. The misconduct of Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, as outlined above proximately caused injury to Plaintiff, THOMAS RIVERA, including but not limited to, loss of liberty, emotional pain and suffering, lost wages, attorney's fees, and costs.

**WHEREFORE** the Plaintiff, THOMAS RIVERA, prays for judgment against Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET.

CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, for reasonable compensatory damages, punitive damages, plus attorney's fees and costs.

**COUNT II – MALICIOUS PROSECUTION**

**(Against Defendants Officers McDermott #6435, Strazzante #8496, Nelli #711, Clinton #20699, Costello #231, Mendez #20031, and the City of Chicago)**

1-21. The Plaintiff hereby realleges and incorporates paragraphs 1 – 31 as his respective allegations of paragraphs 1 – 21 of Count II as though fully set forth herein.

22. The Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, DET. MENDEZ #20031 and the CITY OF CHICAGO, through its employees and agents, proceeded with the charges knowing they were false.

23. The Plaintiff retained an attorney and had to litigate the matter.

24. The Defendants', P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, DET. MENDEZ #20031 and the CITY OF CHICAGO, through its employees and agents, actions were intentional, willful and wanton.

25. The charges were resolved in the Plaintiff's favor.

26. As a result of the actions of the Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, DET. MENDEZ #20031 and the CITY OF CHICAGO, through its employees and agents, the Plaintiff suffered fear, emotional distress, anxiety and monetary expenses.

**WHEREFORE**, the Plaintiff, THOMAS RIVERA, prays for judgment in his favor and against the Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, DET. MENDEZ #20031 and the CITY

OF CHICAGO, through its employees and agents, for reasonable compensatory and punitive damages, plus costs.

**COUNT III—FAILURE TO INTERVENE**  
**(Against Defendant Officers McDermott #6435, Strazzante #8496, Nelli #711,**  
**Clinton #20699, Costello #231, and Mendez #2003)**

1-26. The Plaintiff, THOMAS RIVERA, hereby re-alleges and incorporates his allegations of paragraphs 1-23 of Count II as his respective allegations of paragraphs 1-23 of Count III as though fully set forth herein.

27. One or more of the Defendants P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031 was/were nearby, witnessed the other officers proceed with the charges against the Plaintiff, THOMAS RIVERA, knowing they were false, and had a realistic opportunity to do something to prevent the Plaintiff from being falsely arrested in violation of his Constitutional rights, and failed to intervene.

28. The actions of the Defendants constituted a violation of THOMAS RIVERA's Fourth and Fourteenth Amendment rights as protected by 42 U.S.C. §1983.

29. As a result of the actions of the Defendants, the Plaintiff, THOMAS RIVERA, suffered fear, anxiety, pain, suffering and emotional distress.

WHEREFORE, the Plaintiff, THOMAS RIVERA, prays for judgment in his favor and against the Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, jointly and severally, in an amount of fair and reasonable compensatory damages, punitive damages, plus attorneys' fees and costs.

**COUNT IV- RESPONDEAT SUPERIOR**  
**(Against the City of Chicago)**

1-29. Paragraphs 1 through 36 are incorporated as though fully stated herein.

30. In committing the acts alleged in this Complaint, each of the individually named Defendant officers, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, were members of, and agents of, the CITY OF CHICAGO, acting at all relevant times within the scope of their employment.

31. Defendant, CITY OF CHICAGO, is liable as principal for all torts in violation of state law committed by its agents.

32. The Plaintiff, THOMAS RIVERA, suffered damages for his mental, emotional injury and pain, mental anguish, humiliation, and embarrassment that were inflicted by the individual officers from the Chicago Police Department acting under employment of the City of Chicago.

**WHEREFORE**, the Plaintiff, THOMAS RIVERA, prays for judgment in his favor and against the Defendant, CITY OF CHICAGO, for the compensatory damages of its employees, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, plus costs.

**COUNT V– INDEMNIFICATION**  
**Against the City of Chicago**

1-32. The Plaintiff, THOMAS RIVERA, incorporates each paragraph of this Complaint as if fully restated here.

33. Illinois law provides that public entities are directed to pay any tort judgment for

compensatory damages for which employees are liable within the scope of their employment activities.

34. The Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, were employees of THE CITY OF CHICAGO, acting within the scope of their employment in committing the misconduct described herein.

**WHEREFORE**, should the Defendants, P.O. MCDERMOTT #6435, P.O. STRAZZANTE #8496, P.O. NELLI #711, DET. CLINTON #20699, P.O. COSTELLO #231, and DET. MENDEZ #20031, be found liable for any of the acts alleged above, Defendant CITY OF CHICAGO would be liable to pay the Plaintiff, THOMAS RIVERA, any judgment obtained against said officers.

**Jury Demand**

The Plaintiff, THOMAS RIVERA hereby requests a trial by jury.